GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Allegation of Corruption against the Sri T.G.Subhushana Kumar, Ex-Revenue Inspector-I, Nallajarla Mandal – Trapped on 22.07.2003 – Convicted by the Trial Court – Crl.A.No.474/2015 filed by Sri T.G.Subhushana Kumar, Ex-Revenue Inspector-I, Nallajarla Mandal in the A.P. High Court - Allowed – Set aside the lower Court orders – Further action dropped on Sri T.G.Subhushana Kumar, Ex-Revenue Inspector-I, O/o MRO, Nallajarla Mandal – Orders – Issued.

REVENUE (VIG.III) DEPARTMENT

G.O.RT.No. 888 **Dated: 18-12-2024**

Read the following:

1) Judgement of Spl.Judge for SPE & ACB Cases, Vijayawada in C.C.No.01/2006, dated:15.05.2015.
2) G.O.Ms No.267, Revenue (Vig.II.2) Department., dated 14.07.2015.
3) Common order dated:13.07.2023 of the Hon'ble High Court of A.P in Cr.Appl.No.474 of 2015.
4) Representation from Sri T.G.Subhushana Kumar, Ex-Revenue Inspector-I, Nallajarla Mandal.
5) From the CCLA's Letter No.REV02-27021/49/2023-VIGILANCE II SEC-CCLA (C.No.2213942), dated 08.01.2023.
6) Memo.No.REV01-LANA0CCLV/70/2023-VIG-III, dated 23.01.2024.
7) From the DG, ACB, A.P., Vijayawada, Letter in Rc.No.160/RCT-EWG/2003, dated 09.02.2024.
8) Memo. No. REV01-LANA0CCLV/2/2024-VIG-III Dated:24.09.2024.
9) Representation of Sri T.G.Subhushana Kumar, Ex-Revenue Inspector-I, Nallajarla Mandal, dated 03.10.2024

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ORDER:

Whereas, it was brought to the notice of the Government that Sri T.G.Subhushana Kumar, Ex-Revenue Inspector-I, Nallajarla Mandal was trapped by the ACB on 22.07.2003 on the allegation of demand and acceptance of bribe of Rs.600/- from Sri Chinta Srikrishna Chaitanya, R/o Nallajarla (V) for showing official favour for processing and issuing pattadar passbooks and title deeds for the lands purchased by the complainant and his mother. In the reference 1st read above the Special Judge for SPE & ACB Cases, Vijayawada pronounced judgment stating that the Accused Officer has been convicted for the offences punishable under section 13 (1) (d) r/w 13(2) of Prevention of Corruption Act, 1988.

2) And whereas, based on the above judgment, in the reference 2nd read above, Government have issued orders dismissing Sri T.G.Subhushana Kumar, Ex-Revenue Inspector-I, Nallajarla Mandal from the Government Service. Aggrieved by the orders of the Spl.Judge for SPE & ACB Cases, Vijayawada in the reference 1st read above, Sri T.G.Subhushana Kumar, Ex-Revenue Inspector-I, Nallajarla Mandal had filed Criminal Appeal No.474 of 2015 before the Hon'ble High Court of A.P., Amaravathi praying to set aside the judgment of the ACB Court, Vijayawada.

3) And whereas in the reference 3rd read above, Hon'ble High Court has delivered the Common order dt:13.07.2023 of the Hon'ble High Court of A.P in Criminal Appeal

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Nos.474 of 2015 setting aside the orders of Special Judge for SPE & ACB Cases, Vijayawada in the reference 1st read above and acquitted Sri T.G.Subhushana Kumar, Ex-Revenue Inspector-I, Nallajarla Mandal. The operative portion of the judgement is as follows:

> "73. *In the light of the above reasons, I am of the considered view that the prosecution before the Court below miserably failed to prove the charges against AO-1 and AO-2 beyond reasonable doubt and the judgment of the learned Special Judge is not at all sustainable under law and facts and the same is liable to be set-aside. Apart from that, as PW.1 appears to have given false evidence, the proceedings pending against PW.1 before the competent Court of law shall continue and proceedings pending against PW.10, shall stand dropped as there is no material to prosecute her for the offence of perjury.*
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> *74. In the result, both the Criminal Appeals are allowed setting aside the judgment, dated 15.05.2015, in C.C. No.1 of 2006 on the file of the Court of Special Judge for SPE and ACB Cases-cum-III Additional District and Sessions Judge, Vijayawada as such both the appellants i.e., AO-1 and AO-2 shall stand acquitted of the charges under Sections 7 and 13(1)(d) R/w. Section 13(2) of the PC Act and they are entitled to claim refund of the fine amount, if any paid, after Appeal time is over. Further, the tainted amount of Rs.600/- (rupees six hundred only) shall be confiscated to State and the material objects are ordered to be destroyed after appeal time is over, if available before the Court below."*

4) And whereas, in the reference 4th read above, Sri T.G.Subhushana Kumar, Ex-Revenue Inspector-I, Nallajarla Mandal, while enclosing the common judgment of the High Court of A.P in Crl.Appeal Nos.474/2015 has requested for all the entitled service benefits as he was acquitted by the Hon'ble AP High Court.

5) And whereas, in the letter 5th read above, the D.G., ACB while enclosing a copy of the judgement of the Hon'ble High Court, has informed that the bureau is of the opinion that it is a fit case to file S.L.P before the Hon'ble Supreme Court of India. Therefore, he has requested to accord permission to file S.L.P. before the Hon'ble Supreme Court of India against the common order of the High Court of A.P in Crl.Appeal No.474 of 2015 and to issue orders for taking further necessary action accordingly.

6) Government, after careful examination of the matter vide Memo.8th read above have denied the request of the Director General, ACB i.e., to accord permission to file SLP before the Hon'ble Supreme Court of India at New Delhi in the above case as no useful purpose will be served by going in for SLP since it is time barred.

7) And whereas, in the representation 9th read above, Sri T.G.Subhushana Kumar, Ex-Revenue Inspector-I, Nallajarla Mandal, has requested to drop further action and to grant all consequential Service benefits and regularization of suspension period undergone by him.

8) Government, after careful examination of the matter, have decided to implement the orders of the Hon'ble High Court in the reference 3rd read above

(P.T.O)

setting aside the conviction and sentence recorded by the Special Judge for SPE & ACB Cases, Vijayawada in the reference 1st read above and acquitted the A.O., Sri T.G.Subhushana Kumar, Ex-Revenue Inspector-I, Nallajarla Mandal of the offences punishable under Sections 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act.

9) Accordingly, Government hereby drop further action against Sri T.G.Subhushana Kumar, Ex-Revenue Inspector-I, Nallajarla Mandal (attained age of superannuation on 30.06.2024) in this matter.

10) The Chief Commissioner of Land Administration, A.P., Mangalagiri/the Collector & District Magistrate, Eluru District shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R P SISODIA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri T.G.Subhashan Kumar, Ex-Revenue Inspector-I, Nallajarla Mandal ***through*** the Chief Commissioner of Land Administration, A.P., Mangalagiri.
The Chief Commissioner of Land Administration, A.P., Mangalagiri.
The Collector & District Magistrate, West Godavari, Bhimavaram.

Copy to:

The Director General, Anti Corruption Bureau, A.P., Vijayawada.
The Secretary to Commissioner, A.P. Vigilance Commission, Velagapudi, Amaravati.
The Director of Treasuries and Accounts, Mangalagiri.
The Accountant General, A.P., Vijayawada.
Sf/SC

//FORWARDED::BY ORDER//

SECTION OFFICER